

REMARKS

The present Amendments and Remarks are in response to the Office Action dated November 19, 2007, in which the Office Action issued a rejection of claims 1-9, and indicated that claims 10 and 11 had been withdrawn from consideration. In this response, Applicant amends independent claim 1 to include the limitations in recently cancelled claims 2 and 5. More particularly, the new limitations to independent claim 1 relate to inter alia attaching a multicast address to a single application payload then routing the transport of the application payload to multiple remote clients through the virtual private network tunnels; and wherein the tunnel creation, tear-down and multicast group address assignment may be instantiated in a software application running locally on the client system. In view of the amendments and remarks presented herein, the Applicant respectfully requests that the pending claims be placed in a state of allowance. No new matter has been added.

A. Restriction under 35 USC § 121

The Examiner has requested affirmation of the election to prosecute claims 1-9 in the pending matter. Although the Applicant disagrees with the Examiner's grounds for the restriction, the Applicant hereby affirms the election to prosecute claim 1-9 to expedite the prosecution of this patent application.

B. Anticipation Rejection (35 U.S.C. § 102)

The Examiner has rejected prior claims 1-9 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,640,251 to Wiget (hereinafter referred to as "Wiget"). The Applicant has substantively amended independent 1 to include the limitations of recently cancelled claims 2 and 5. Thus, independent claim 1 now includes the limitations of attaching a multicast address to a single application payload then routing the transport of the application payload to multiple remote clients through the virtual private network tunnels; and wherein the tunnel creation, tear-down and multicast group address assignment may be instantiated in a software application running locally on the client system.

Firstly, In the Examiner's most recent action, it appears that the Examiner argues that Wiget teaches Applicant's limitation of wherein the tunnel creation, tear-down and multicast group address assignment that may be instantiated in a software application running locally on the client system at col. 4: lines 1-45 of Wiget. See last paragraph of Examiner's Action on Page 5. Upon closer inspection of the cited Wiget paragraphs, the Applicant respectfully submits that the Wiget simply does not teach tunnel creation, tear-down and multicast group address assignment may be instantiated in a software application running locally on the client system as described in further detail below.

The Examiner's cited first paragraph in col. 4: lines 1-16 of Wiget is directed to teaching that a Virtual Private LAN Segment (VPLS) can span two or more sites, with all IP devices sharing the same IP subnet. Additionally, the paragraph describes that "this type of layer 2 VPN solution possesses the following benefits for the customer:" transparency, flat IP subnet, and broadcast and multicast support.

The Examiner's cited second paragraph in col. 4: lines 17 – 24 of Wiget describes all broadcast traffic being encapsulated and forwarded to the VPN's IP multicast address, therefore there is no need for a central database to keep track of all Unnumbered VPN IP (VIP) interfaces joining a customer VPN.

The following paragraph in col. 4: lines 25-40 of Wiget appear to teach an enhanced version of proxy address resolution (SRP) that is different from standard proxy ARP with no reference to creation, tear-down and multicast group address assignment.

The final paragraph in col. 4: lines 41-45 of Wiget describes that the results of this "multicast enhanced ARP" (ME-ARP) process is that all the customers IP devices will deep all relevant information about the destination tunnel endpoint and VPN membership in their ARP table, and there is no overhead involved, if compared to a real physical IP subnet. Again, no reference is made by Wiget to creation, tear-down and multicast group address assignment

Thus, Applicant respectfully submits that nowhere in col. 4: lines 1-45 is there taught tunnel creation, tear-down and multicast group address assignment may be instantiated in a software application running locally on the client system.

Secondly, the Examiner's Action appear to argue that Wiget teaches Applicant's limitation of attaching a multicast address to a single application payload then routing the transport of the application payload to multiple remote clients through the virtual private network tunnels in col. 4: lines 46-57. Again, Applicant respectfully disagrees that this limitation is taught in the indicated paragraph.

More particularly, Wiget at col. 4: lines 46-57 describes each VPN having a unique identifier assigned. It appears that "each VPN has a unique IP multicast Id assigned, IGMP and any multicast capable routing protocol ... are used by a configured IP VPN interface connecting a Physical Segment to join the VPN's multicast group."

Applicant's claims attaching a multicast address to a single application payload then routing the transport of the application payload to multiple remote clients through the virtual private network tunnels and this limitation does not appear to be described in Wiget. In fact, it appears that Wiget teaches each VPN having a unique multicast ID, whereas the Applicant describes, firstly, attaching a multicast address to a single application payload. Simply put, attaching a multicast address to a single application payload is a different operation from each VPN having a unique identifier assigned. Additionally, Applicant continues by claiming then routing the transport of the application payload to multiple remote clients through the virtual private network tunnels, which is simply not disclosed in Wiget at col. 4: lines 46-57.

Thus, Applicant respectfully submits that independent claim 1 overcomes the Examiner's grounds for rejection. Additionally, the new limitations in claim 1 are applicable to the remaining dependent claims 3-4 and 6-9, and thus the dependent claims also overcome the Examiner's rejections.

C. Conclusion

In view of all of the foregoing, claims 1, 3-4, and 6-9 overcome the Examiner's rejections herein and are now patentably distinct and in condition for allowance, which action is respectfully requested.

Respectfully Submitted;

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